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Salford City Council

Grievance policy (including dignity at work) for schools/PRUs

This policy outlines the procedure for schools when dealing with employee grievances

Produced by the HR Team
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1. Policy statement

The governing body/PRU management committee are fully committed to ensuring that all their employees are treated with dignity and respect, and that there is a positive workplace culture which is a contributing factor to the mental well-being of employees. It is therefore the responsibility of all employees, including headteachers and managers, to promote a working environment and culture where bullying, harassment and victimisation are not accepted.

The governing body/PRU management committee are committed to ensuring that, should a member of staff have a complaint relating to their employment, including behaviour that could be construed as harassment, sexual harassment, bullying or victimisation, they have a right to express it. The policy provides a mechanism by which employees can raise complaints and for these to be dealt with in a fair, timely and consistent manner.

The governing body/PRU management committee are committed to treating seriously any allegations relating to potential discrimination on the grounds of race, gender, gender transition, identity and expression, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation, Trade Union membership and family care and caring responsibilities, and ensuring a full and thorough investigation where such allegations are made.

2. General principles/scope of the policy

The policy complies with the Advisory Conciliation and Arbitration Service (ACAS) Code of Practice and the Equality Act 2010.

This policy is applicable to all staff employed within the school/PRU and is designed to deal with either individual grievances or dignity at work complaints relating to employment, or collective complaints. Collective grievances can be raised either by a trade union representative or a member of staff nominated to do so by those raising the complaint.

This policy deals with all dignity at work issues involving alleged incidents of harassment inc. sexual harassment, bullying or victimisation and any concerns, problems or complaints relating to employment matters.

Examples of bullying/harassment may include but are not limited to:

- Spreading malicious rumours, or insulting someone by words or behaviour
- Ridiculing or demeaning someone, exclusion or victimisation, unfair treatment
- Offensive behaviour or intimidation which is motivated by prejudice; for instance “outing” someone’s sexual orientation or trans identity at work, making racist, sexist, homophobic, biphobic or transphobic comments
- Overbearing supervision or other misuse of power or position
- Unwelcome behavior of a sexual nature
- Making threats or comments about job security without foundation

- Deliberately undermining a worker by overloading and constant criticism or preventing individuals progressing by intentionally blocking promotion or training opportunities.

Reasonable adjustments to this policy will be made upon request where this is required to accommodate an individual's needs in relation to a disability.

The remit of this policy does not include issues related to pay and grading or disciplinary matters for which separate policies/procedures exist.

The employee has the right at all formal stages, including the review stage, of this procedure to be accompanied by a trade union official/ representative or work-based colleague. Other representatives are not allowed.

Timescales contained in this policy can be amended by mutual consent.

Throughout all stages it is important to be clear as to the nature of the complaint and the outcome which the employee wants management to consider.

Mediation can assist in the resolution of work-based conflict and employees will be expected to co-operate where this is the recommended course of action.

Every effort will be made to comply with the timescales outlined in this policy however it is recognised that on occasion these may need to be modified within a reasonable timeframe dependent on the nature of the complaint.

It is recognised that support may be required for all employees involved in a complaint, regardless of whether they are making the claim or the claim is against them. All employees can access the confidential counselling service available through the occupational health unit. Other methods of support will be considered according to the circumstances.

Grievance and dignity at work complaints will be treated seriously and dealt with in the utmost confidence. Any breaches of confidentiality will be treated seriously and may result in disciplinary action.

It will also be treated seriously where it is concluded by the investigating manager that a complaint is malicious, i.e. without foundation and made with a deliberate intention of having action taken against another employee. In such cases consideration may be given to dealing with the complainant in line with the local disciplinary procedure.

Employees should be aware that where a headteacher or manager is legitimately discharging their management responsibilities/school policies properly and reasonably, this does not constitute harassment, bullying or victimisation. Examples of legitimate management intervention may include:

- the allocation of work
- setting time limits and standards of work
- monitoring performance of individual workers

- application of the disciplinary procedure

3. Informal process

Members of staff other than the headteacher

The aim of the informal process is to establish the nature of the complaint, the desired outcome, and share information by mutual agreement in an attempt to address the concerns raised. All employees will be expected to exhaust the informal stage of the policy.

Where an employee has a complaint which involves another employee, the headteacher, governing body or PRU management committee member, the employee should first try to resolve the matter by mutual agreement with the person involved. This may be with the support of their line manager or with an appropriate senior manager. Workplace mediation may be recommended to resolve the matter and all employees will be expected to co-operate.

If an employee feels that they can not discuss the complaint with the person involved, or the complaint is of a procedural nature, the complaint should be discussed in the first instance with a line manager or the headteacher. Where the complaint concerns the headteacher it should be raised initially with the chair of governors, who will nominate an appropriate governor to address the complaint at the informal stage.

If the complaint is not resolved through the informal process, the formal process may be invoked. In certain circumstances where the nature of the complaint is so serious, the formal process of the procedure may be invoked straight away.

Headteachers

Where a headteacher has a grievance, they should first of all endeavour to resolve the matter by mutual agreement with the person involved. If this is not possible then the headteacher should discuss this with the chair of governors/PRU management committee or another appropriate governor/committee member.

If the complaint is not resolved through the informal process, the formal process may be invoked. In certain circumstances where the nature of the complaint is so serious the formal process may be invoked straight away.

4. The formal process

Members of staff other than the Headteacher

Where the employee believes the matter has not been resolved at the informal stage, they must set out the complaint in writing indicating why they feel this has not been resolved and send a copy to the headteacher for consideration (formal complaint form - appendix 1) This should be completed within 10 working days of the outcome of the informal stage.

Where a complaint concerns the headteacher or they have been involved at the informal stage, the employee must set out the complaint in writing indicating why they feel that this has not been resolved informally and send a copy to the chair of governors/PRU management committee who will nominate an appropriate a governor/committee member to deal with the complaint, supported by human resources (formal complaint form - appendix 1). This complaint form should be completed within 10 working days of the outcome of the informal stage.

Following receipt of the completed formal complaint form – appendix 1, the headteacher/governor/committee member will:

- acknowledge its receipt, in writing, within five working days (example letter – appendix 2)
- give an invitation to hold a meeting with the employee within 10 working days; and
- inform the employee of their right to be accompanied by a trade union representative or work-based colleague.

A mutually agreed date and time will be arranged for the meeting.

All parties must make every effort to attend the meeting in line with the timescales set out in this policy but where a chosen companion is unable to attend, the meeting will be rescheduled within 5 working days.

Following the meeting the headteacher/governor/committee member shall aim to write to the employee within 10 working days with the findings and recommendations, including any action that will be taken to resolve the complaint. Where further investigation/information may be required the timescales may be extended by mutual agreement between all parties.

The employee may appeal against the formal outcome which will then be dealt with by a panel of the governing body or PRU management committee.

Headteachers

Where the headteacher believes the matter has not been resolved at stage one, they must set out the complaint in writing, indicating why they feel this has not been resolved at stage one and send a copy to the chair of governors/PRU management committee for consideration (formal complaint form - appendix 1) This should be completed within 10 working days of the outcome of the informal stage.

Following receipt of the completed formal complaint form – appendix 1, the chair of governors/PRU management committee will:

- acknowledge its receipt, in writing, within five working days (example letter-appendix 2)
- give an invitation to hold a meeting with the Headteacher within 10 working days
- inform the employee of his/her right to be accompanied by a trade union representative or work-based colleague.

A mutually agreed date and time will be arranged for the meeting.

All parties must make every effort to attend the meeting in line with the timescales set out in this policy but where a chosen companion is unable to attend, the meeting will be rescheduled within five working days.

Following the meeting the chair of governors shall aim to write to the headteacher within 10 working days with the findings and recommendations, including any action that will be taken to resolve the complaint. Where further investigation/information may be required the timescales may be extended by mutual agreement between all parties.

The headteacher may appeal against the formal outcome

5. Appeal

The employee must complete the appeal complaint form within 10 working days of receiving the outcome from the formal meeting (appeal complaint form – appendix 3). This must clearly set out the grounds for appeal, the elements of the original complaint the employee remains aggrieved with and the remedy sought. The appeal complaint form will be sent out with the letter confirming the outcome at stage 2.

The appeal will be considered by the appeals panel of the governing body/PRU management committee at the earliest opportunity, subject to the availability of the governors/committee members concerned.

Following the meeting, the appeals panel of the governing body/PRU management committee will write to the employee within 10 working days with their findings and recommendations, including any action to be taken.

The decision of the appeals panel is final.

6. Malicious complaints

Having conducted an investigation, the investigating manager may conclude that the complaint was malicious. That is, that the complaint was entirely false and made with the deliberate intention of having action taken against another employee. In these circumstances, consideration may be given to dealing with the complainant in line with the disciplinary procedure.

7. Review arrangements

Any complaint that has been resolved at any of the formal stages will include the offer of a review meeting four weeks after the concluding stage. This review meeting should be undertaken by an appropriate manager/headteacher/ governor/committee member and attended by a representative of human resources.

This procedure will be reviewed periodically in light of its operation and taking account of any legislative changes or emerging good practice.

Appendix 1 – Formal complaint form

Employee name

Companion/representative name (if known) and contact details

Date form submitted

Details of complaint

Employee's suggestion for resolution of the complaint, (including details of why it is felt that this has not been resolved at Stage 1)

Appendix 2 - Acknowledgement letter

Date

Dear

Formal complaint

I would like to confirm that I have received notification from you of your wish to invoke Stage 2 of the grievance/dignity at work policy.

In accordance with the procedure, a meeting will now be arranged with yourself within the next 10 working days. You are entitled to be accompanied at this meeting by your Trade Union representative or a colleague.

I will contact you to arrange this meeting as soon as possible.

Yours sincerely

Name

Position

Appendix 3 - Appeal complaint form

Employee name

Companion/representative name (if known) and contact details

Date form submitted

Grounds for appeal – including which elements of the original complaint you remain aggrieved with

Employee's suggestion for resolution of the complaint, (including details of why it is felt that this has not been resolved at previous stages)